

resources to adding cell sites during the last few years, many of which would not have been necessary without the constraint imposed by the spectrum cap.¹

The parties also indicated that, if the Commission believes processing guidelines are necessary to analyze transactions once the spectrum cap is lifted, it should look to the merger guidelines that have an established and successful track record both at the Department of Justice and at the Federal Trade Commission, as well as factors the FCC considers important to its public interest jurisdiction.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Diane J. Cornell

Cc: Commissioner Michael Copps
Paul Margie

¹ See attached excerpt from Section 4.5 "Cell Sites" (pages 121-123), Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA, January 1985 – December 2000 released July 2001.